

REMARKS

The Office Action states that claims 1-11 (Group I) are drawn to a method and a system comprising receiving a query, determining between a commercial and non-commercial query and processing the query in multiple manners, classified in class 707, subclass 3 and claims 12-41 (Group II) are drawn to a method and a computer-readable medium comprising creating a list of commercial query patterns based on the targeted words or phrases, classified in class 705, subclass 1. The Office Action identifies Groups I and II as subcombinations usable together in a single combination. The Office Action requires election of a single Group. Applicants respectfully traverse the restriction requirement.

Under M.P.E.P. § 806.05(d), two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants. As further set forth in M.P.E.P. § 806.05(d), the Examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination. The burden is on the Examiner to suggest an example of separate utility.

Applicants respectfully submit that the Examiner has not satisfied this burden with respect to Groups I and II. With regard to Group I, for example, the Office Action alleges that the separate utility for Group I is a method for determining whether the query is a commercial query or a non-commercial query. Assuming that the Office Action's

classification is correct (a point that Applicants do not concede), Applicants respectfully submit that this classification also applies to claim sets in Group II because claims in that group recite similar features. For example, claim 30 (Group II) recites determining whether the received query is commercial based at least in part on the list of commercial query patterns; claim 34 (Group II) recites a processor configured to determine whether the received user query is a commercial query based at least in part on the list of commercial query patterns; and claim 35 (Group II) recites determining whether the received user query is a commercial query based at least in part on the generated list of commercial query patterns. Because claims of Group II can be generally classified under the Office Action's classification of "a method for determining whether the query is a commercial query or a non-commercial query," the Office Action has not shown that Group II has separate utility from Group I.

Moreover, Applicants submit that several claims in Group II are "generic" claims that may be classified under either of the Office Action's separate utility classifications. For example, claim 30 recites generating a list of commercial query patterns and determining whether the received query is a commercial query based at least in part on the list of commercial query patterns; claim 34 recites a memory configured to store a list of commercial query patterns, and a processor configured to determine whether the received user query is a commercial query based at least in part on the list of commercial query patterns; claim 35 recites generating a list of commercial query patterns and determining whether the received user query is a commercial query based at least in part on the generated list of commercial query patterns; claim 36 recites generating a list of query

query patterns of a predetermined type and determining whether the received user query is of the predetermined type based at least in part on the list of query patterns of the predetermined type; claim 40 recites a memory configured to store a list of query patterns of a first type, and a processor configured to determine whether the received user query is a query of the first type based at least in part on the list of query patterns; and claim 41 recites generating a list of query patterns of a first type and determining whether the received user query is of the first type based at least in part on the generated list of query patterns. Applicants submit that claims 30-41 fall into Group I and Group II based on the separate utility classifications set forth in the Office Action.

For at least the reasons given above, Applicants submit that the Office Action's restriction requirement is flawed and should be withdrawn.

If the Examiner persists in maintaining the restriction requirement, Applicants elect claims 1-11 (Group I) with traverse and submit that claims 30-41 of Group II should be examined with the claims of Group I for the reasons discussed above.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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